DOCUMENT RESUME

ED 322 701 EC 231 893

AUTHOR Rangel, Elizabeth S.
TITLE Handicapped Language Minority Students: Past, Present and Future.
PUB DATE 4 Apr 86
NOTE 34p.; Master's Research Paper, Georgetown University. Appendixes A and D contain small/broken type. Best copy available.
PUB TYPE Information Analyses (070) -- Viewpoints (120) -- Dissertations/Theses - Master Theses (042)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Bilingual Education; Court Litigation; *Disabilities; Educational Legislation; Elementary Secondary Education; *Limited English Speaking; Minority Groups; Non English Speaking; *Special Education; Student Evaluation; *Student Placement; Test Bias
IDENTIFIERS *Bilingual Special Education

ABSTRACT

The paper provides a current and historical overview of the educational inequities suffered by handicapped language minority students and explores the future of bilingual special education. The review covers such areas as a pending court case, the lack of laws dealing specifically with bilingual special education, overrepresentation of language minority students in special education classes, the inappropriate use and interpretation of standardized tests with this population, litigation concerning discriminatory procedures for intelligence quotient testing, and increasing underrepresentation in some areas of language minority children in programs for the mildly handicapped. A proposal is offered which advocates the use of bilingual special education to serve handicapped language minority students. Considered are myths (e.g., the bilingual child will suffer mental fatigue) and counter arguments (e.g., bilingualism may result in increased mental flexibility) concerning educational effects of bilingualism. Research is reviewed supporting the value of a bilingual approach with handicapped students, including the mentally retarded, and recent trends in government support for bilingual special education are noted. Appendixes provide supporting detail concerning student placement in special education, court cases, and research on the positive effects of bilingualism. Contains 50 references. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED322701

HANDICAPPED LANGUAGE MINORITY STUDENTS
PAST, PRESENT AND FUTURE

A Master's Research Paper
submitted for 15490101 Linguistic Tutorial
to Dr. Ramon Santiago
of the Graduate School of Georgetown University
in partial fulfillment of the requirements for the
Thirty-six Credit M.S. degree

by

Elizabeth S. Rangel

Washington, D.C.
April 4, 1986

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Elizabeth S. Rangel
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

FC 231 893

BEST COPY AVAILABLE

ABSTRACT

The Bilingual Education Act of 1968 opened the eyes and ears of the nation's educators and policy makers to the formidable obstacles facing language minority students in the United States. While equal educational opportunity for limited English proficient students is still an elusive goal; it is no longer an intangible pipedream.

Public Law 94-142, The Education for All Handicapped Children Act, established the right to an appropriate education for mentally retarded children. In addition, organizations such as Special Olympics and The Kennedy Foundation have brought to the forefront the abilities and potential of mentally retarded citizens.

Unfortunately, there exists a cohort of the population receiving none of the benefits of bilingual education, nor the advantages of special education. An estimated 420,000* handicapped language minority children in the United States today are not receiving an education appropriate to their linguistic needs nor adequate to their handicaps.**

Included herein is a two-part analysis of this problem. The first section is a current and historical overview of the educational iniquities suffered by handicapped language minority students. The second section of this report explores the future of bilingual special education.

* This figure was arrived at by taking the total number of children who are of limited English proficiency (3,500,000 according to the National Center for Educational Statistics) and calculating 12 percent of the total. This is the figure that is used in P.L. 94-142 for funding purposes (Baca, 1980).

** See appendix A for distributions.

ONE CASE HISTORY

Y.S., Yin S. and Lim C. v. School District of Philadelphia (1985).

Y.S. together with his parents, younger brothers and sister, was resettled in Philadelphia in 1982 after leaving their native Cambodia. Y. was twelve years old at the time of his arrival and has attended school in the Philadelphia School District since that time. In fact, Y has attended four different schools having been repeatedly transferred. The School District has always provided Y with English as a Second Language (ESL) classes. However, the program has consisted of only a limited period of instruction per day and non of Y's teachers was able to speak Cambodian. Fortunately, Y has always been assigned to a school counselor. Due to the fact the counselors do not speak Cambodian and access to interpreters has never been made readily available, the amount of counseling has been limited.

In the fall of 1984, the School District decided to test Y for the possible presence of a handicapping condition. Following the stipulations of P.L. 94-142, Title VI of the Civil Rights Act of 1964, The Equal Educational Opportunities Act and the Fourteenth Amendment of the United States Constitution, the District presented Y's parents with a "Request for Permission to Evaluate" form written in English. Y's parents do not speak English and an interpreter was not available at the time of the request. Because Y's six-year-old brother does speak English, the School District has him explain the document to Y's

parents. Mr. S. signed the form.

A psychological evaluation was performed by an English-speaking psychologist utilizing a testing instrument developed for English-speaking students. The psychologist concluded that Y was mentally retarded. Consequently, Y was placed in a special education class which he attends today and receives neither ESL nor bilingual instruction.

Although still pending, the outcome of this case is important to the educational future of handicapped language minority students. Significant legislative policy which is essential to confronting this growing national problem is paramount.

THE LAW

With the passage of the 1968 Bilingual Education Act, the U.S. government first endorsed bilingual education as a means of assisting language minority children achieve equality of educational opportunity. And the passage of P.L. 93-112, the Rehabilitation Act of 1973, and specifically Section 504 of the Act, helped establish the right for a language minority child to receive a special education program. Section 504 reads:

> No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

In addition, the passage of the 1975 Education for Handicapped Children Act, P.L. 94-142 guaranteed to all handicapped children in the United

States the right: to a free public education, to an individualized education program (IEP), to due process, to education in the least segregated environment, to tests that are not culturally discriminatory and to multi-dimensional assessment.

However, up to the present time, there have been no laws formulated to deal specifically with bilingual special education. What does exist is a legal history related to special education, a legal history dealing with bilingual education and litigation related to bilingual special education, yet a synthesis of the three is nonexistent. The Y.S. ruling may change the tide, but the steady flow of litigation to date has done little to stay the swelling waters.

MANY CASE HISTORIES

The complexity of this problematic issue has been compounded by the rampant misclassification of large numbers of language minority students as "retarded". According to Castellanos (1984), it was a matter of record that during the 1950s almost every Hispanic student in the United States who was non-English speaking was labeled handicapped.

> The non-English speaking child cannot keep up with his companions in the regular grades. For this reason, he is sent to a special class. This is not because it is the right place for him, but rather because it furnishes an easy means of disposing of a pupil, who through no fault of his own, is an unsatisfactory member of the regular grade (Miller, 1981).

It is a well established fact that language minority children, and minority children in general have been misplaced in large numbers and thus overrepresented in self-contained special classes, especially those

for the mentally retarded. In reviewing the literature of the past two decades, it becomes obvious that language minority children have been "afflicted" with special education. Dunn's analysis of the situation in 1968 holds true today.

> A better education than special class placement is needed for socioculturally deprived children with mild learning problems who have been labeled educable mentally retarded (EMR) . . . the numbers of special day classes for the retarded has been increasing by leaps and bounds. The most recent 1967-68 statistics compiled by the U.S. Office of Education now indicate that there are approximately 32,000 teachers of the retarded employed by local school systems -- over one-third of all special educators in the nation. In my best judgment, about 60-80 percent of the pupils taught by these teachers are from low status backgrounds including Afro-American, American Indian, Mexican, and Puerto Rican American, those from nonstandard English speaking, broken, disorganized and inadequate homes. (This situation) raises serious educational and civil rights questions which must be squarely faced. It is my thesis that we must stop labeling these deprived children as mentally retarded. Furthermore, we must stop segregating them by placing them into our allegedly special programs.

OVERREPRESENTATION

According to Gliedman and Roth (1980), there is evidence that racial discrimination sometimes marches under the flag of special education. While the incidence of a handicapping condition from a physical or genetic cause is the same across all cultural groups*, minority children are greatly overrepresented in the emotionally "mildly handicapped" groups. Those classes for which concrete delineation of impairment does not exist.

> The situation is clear-cut when it comes to testing for eyesight or hearing. However, both diagnoses and teaching strategies become arbitrary, vague and amorphous in such categories as "learning disable" and "educable mentally retarded" (Hilliard, 1980).

Hallahan and Cruickshank (1973) report that many children of culturally different backgrounds are assigned to classes for the mentally retarded while middle class children exhibiting the same behavioral characteristics are placed in classes for the learning disabled.

In a study of eleven of the twelve Missouri school districts that received state aid for educable mentally retarded (EMR) and learning disabled (LD) children, Franks (1971) found that, whereas about one-third of all children in EMR classes were black, only about three percent of all children in LD classes were black. Furthermore, white children accounted for about two-thirds of all students in EMR classes and about 97% of all students in LD classes.

Bernal (1977) also believes that the problems of misclassification and inappropriate placement are most acute with the cognitively and emotionally "mildly handicapped" groups. In many instances, cultural, linguistic, and cognitive style differences are considered to be learning deficits.

According to their statewide study of Texas public schools, Ortiz and Yates (1982) reported a disproportionate representation of Hispanics in programs for the mentally retarded. Of the 38, 381 mentally retarded students in Texas, 37 percent were white, non-Hispanic, yet this group comprised 58 percent of the student population. Hispanics, comprising 16 percent of the student population, represented 28 percent of the mentally retarded population.

Mercer's (1973) seminal study of Hispanic children in classes for the mentally retarded exposed the iniquities of the system and also revealed the underlying causes. In an extensive, eight-year study (1961-1969) conducted in Riverside, California, she reported that the rate of

* Estimates indicate that 8 to 12 percent of the school-age population is in some way handicapped. Variations in disorder severity and problems in identification, particularly within the culturally/linguistically different populations, affect these estimates (Omark and Erickson, 1983).

placement for Mexican American children in special classes was four times greater than would be expected from their numbers in the population. Spanish surname children, while representing 15.2 percent of the public school population, constituted 23 percent of those in special classes for the mentally retarded. Anglos, on the other hand, constituted 72.4 percent of the total school population, but only 50% were in classes for the mentally retarded.

Mercer pointed to the ignorance of teachers, psychologists and other school personnel about the factors that influence learning among various socioeconomic and ethnic minority groups, as contributing to the low academic placement of minority students. However, the real culprit was the indiscriminate use of psychological tests, especially IQ tests, combined with the linguistic and cultural orientation of school programs as the cause for the preponderance of Mexican American children in educable mentally retarded classes.

STANDARDIZED TESTS

> Simply stated, if learning opportunities and all other factors are equal, those persons who learn the most and perform the best probably have greater innate mental capacity than those who learn and perform most poorly. The major difficulty in applying logic based on these assumption in actual test situations, especially situations which involve children from very different socio-cultural backgrounds is that "all other factors are never equal" (Mercer, 1973).

The criticism directed at the use of standardized tests have been derived in part from the basic logic of measurement of human abilities and in part from the social consequences of this type of measurement procedure (Oakland, 1977). The following enumerates some of the criticisms aimed at testing that have been discussed during the last decade (Latino Institute, 1982):

1. Standardized tests are highly loaded with items based on white, Anglo-Saxon middle-class values and experiences.

2. Standardized tests are unfair to persons from cultural and socio-economic minority backgrounds since they do not reflect their linguistic and cognitive experiences.

3. Standardized tests sample cognitive styles that are directly opposed to those of most children from culturally diverse groups.

4. Hispanics have not been adequately represented in the samples of students used for test standardization.

5. Most standardized tests have not been validated or designed for use with Hispanics.

6. Traditional tests often use language that is not understood by Hispanic children. Either the test's vocabulary is unfamiliar or in many instances the young child does not understand nor speak English. Furthermore, using an unfamiliar dialect of Spanish to test a Hispanic child is comparable to administering the test in a language that is totally foreign to him or her. When such tests are used with language minority children, the scores obtained do not adequately indicate their learning abilities, but rather reflect their unfamiliarity with the dominant culture and the English language.

7. The testing situation is often foreign and threatening to

Hispanic students.

8. Educational personnel tend to overrate the information provided by standardized test scores. There seems to be something seductive about the apparent objectivity and simplicity of a score derived from a paper and pencil test.

9. Tests are sometimes administered by incompetent persons who do not understand the culture and language of the student and are therefore unable to assess the child's underlying competence.

10. Norm-referenced measures are not useful for educational purposes.

11. Standardized tests are based on the premise that human beings have only innate fixed abilities and characteristics.

National organizations such as the American Psychological Association, The American Personnel and Guidance Association, The Association of Black Psychologists, and The National Association for the Advancement of Colored People raised the question of discriminatory testing in the early 1970s and called for a moratorium on the use of standardized tests with minority children (Oakland, 1977; Samuda, 1975). Ensuing arguments and proposed solutions have yet to solve the problems of identifying handicapped minority children and misidentifying normal minority children.

LITIGATION*

Discriminatory procedures for IQ testing have been challenged in several cases including: Covarrubias v. San Diego Unified School District, 1970; Guadalupe Organization v. Tempe, 1972; and Larry P. v. Wilson Riles, 1972.

In Larry P. v. Wilson Riles, the ruling directly addressed the discriminatory use of IQ tests to place minority children in classes for the mentally retarded. This case began in 1971 as a class action suit initiated on behalf of black children placed in classes for the educable mentally retarded, supposedly because their IQ scores were lower than the state-approved minimum of 75 (using the Stanford-Binet and WISC). The plaintiffs claimed that they were not mentally retarded and that the tests used to place them were culturally biased. The court ruled in favor of the plaintiffs and forced school districts in California to drop the use of intelligence tests as the sole criterion for placement in special education classroom. Judge Robert F. Peckham's ruling stridently criticized this practice.

> We must recognize at the outset that the history of the IQ test, and of special education classes built on IQ testing is not the educational reform. It is, at least in the early years, a history of racial prejudice, or social Darwinism, and of the use of the scientific "mystique to legitimate such prejudices."

*See Appendix B for a complete list of cases.

Judge Peckham's ruling dealt only with a black, non-black distinction, however, there is little doubt that these same practices apply to all minority children., whether racial, cultural or linguistic minority.

Debate on IQ and standardized testing had intensified since the publication of Arthur Jensen's "How Much Can We Boost IQ and Scholastic Achievement?" in the winter issue of the Harvard Education Review, 1969. Jensen discussed the effects of genetic and environmental factors on intelligence and suggested that IQ is determined more by genetic than environmental influences (Samuda, 1975; Oakland, 1977). Many professionals interpreted Jensen's argument to imply that observed differences in cognitive performance are largely genetic in origin and that little could be done to reduce these differences via education. Furthermore, Jensen implied that the reported difference in average IQ between black and white children in the United States was probably due to a large genetic component. This argument has directly involved standardized tests particularly the interpretation placed on scores obtained by minority group children.

In addition to cases contesting the validity of standardized testing, there is a history of cases establishing the right to non-biased assessment including: Arreola v. Board of Education, 1968; United States v. Texas, 1971; Lora v. The Board of Education, City of New York, 1978; and Diana v. Board of Education, 1973.

Diana was the pre-eminent case establishing the right to non-biased assessment. Filed on behalf of nine Spanish-speaking Mexican American children, the suit identified the misplacement of students in classes for the mentally retarded on the basis of IQ tests administered in English. The court ruled that the inherent cultural bias of the tests

discriminated against the plaintiffs. Among the provisions of the out-of-court settlement reached on February 5, 1970 were the following:

> All children whose home language is other than English must be tested in both their primary language and English . . . such children must be tested only with tests or sections of tests that do not depend on such things as vocabulary, general information, and similarly unfair questions. Mexican American and Chinese American children already in classes for the mentally retarded must be tested in their primary language and re-evaluated only as to their achievement on nonverbal tests or sections of tests. . . any school district which has a significant disparity between the percentage of Mexican American students in its regular classes and those for the retarded must submit an explanation for this disparity.

This settlement influenced the outcome in several subsequent cases and in the years that followed led to the reinstatement of many students in regular classrooms in California (Oakland & Laosa, 1977). However, not all the provisions of the Diana agreement have been implemented and in 1981 the California Rural Legal Services petitioned a federal court for a new enforcement order.

In recent years the focus of decisions has switched to the adequacy of programs available to bilingual handicapped children and the right to bilingual special education. One such case is Jose P. v. Ambach, 1979. Jose P. refers to three distinct lawsuits which sought to represent the entire class of handicapped children between the ages of five and twenty-five in New York City who were being harmed by the lack of an appropriate special education. The three cases were: Jose P. v. Ambach, 1979; United Cerebral Palsy of New York v. Board of Education, 1979; and Dyrcia S. v. Board of Education, 1979.

The plaintiffs in these three cases alleged that the Board of Education

failed to provide evaluation and prompt placement in appropriate educational programs. The New York CIty Board of Education was found to have violated state requirements governing the education of handicapped children. Following negotiations which involved the plaintiffs in all three cases, a comprehensive judgment was issued in Jose P. on December 14, 1979. Included in the judgment were the following provisions:

1. operating procedures for the implementation of all the services envisioned by the judgment, which included providing competent interpreters for all meetings attended by parents who were of limited English proficiency, and translating relevant documents and notices;

2. standards for evaluation, placement, and provision of programs and services, which included interim procedures to provide for evaluation of children of limited English proficiency in their native language; a permanent plan and schedule of evaluation which would include methods for providing nondiscriminatory and properly validated testing of children;

3. a definition and description of each program and service in a full continuum of education programs and services for handicapped children, including bilingual programs and services; and

4. a survey to determine the number, qualification, and geographical assignments of all bilingual evaluation staff members.

Many of the deadlines set by Jose P.have not been met. In reality, the majority of the mandates were not new, they simply were not being followed as dictated by the stipulations of P.L. 94-142.

Public Law 94-142 and its implementing regulations mandate:

> Procedures to assure that testing and evaluation materials utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no

> single procedure shall be the sole criterion for determining an appropriate educational program for the child (Federal Register, August 23, 1977).

In addition to the evaluation safeguards discussed above, this law also requires state plans to include the following procedures to insure that handicapped children and their parents are guaranteed procedural safeguards in decisions regarding their evaluation:

> (Due Process Guarantees) - (i) prior notice to parents or guardians when a change in the child's placement is proposed; (ii) opportunity for parents or guardians to obtain an impartial due process hearing, examine all relevant records, and obtain an independent evaluation of the child; (iii) protection of the child's rights when his parents or guardians are not known, available or he is a State ward; and (iv) provision to insure that the due process decision in (ii) are binding on all parties.

UNDERREPRESENTATION

Laws, court decision, and federal guidelines have created a certain "anxiety" among professionals involved in meeting the needs of language minority handicapped children. According to Sapir and Wilson (1978), some professionals are concerned about fear of prosecution, loss of funds, or embarrassing scrutiny and others are concerned with avoiding misclassification of children. The increased litigation in cases involving handicapped language minority students parallels a growing trend toward malpractice suits directed at individuals who have participated in identification and placement processes. Bergin (1980) has stated that "in an almost complete turnaround from the days in which discriminatory overrepresentation of language minority youngsters in special education was th issue, there has emerged a concern that language minority children who also need special education are not being appropriately screened

or place."

Contrary to the literature, HIspanics are underrepresented in all categories of handicapping conditions with the exception of learning disabilities (Ortiz and Yates, 1981). In 1978, a leading advocacy group in Boston, "Massachusetts Advocacy", published a study titled, "Double Jeopardy". This study referred to fifteen towns in Massachusetts in which there was a denial of appropriate special education services to linguistic and racial minority students. The study concluded that, in Massachusetts, minority students are both over- and under- represented in special education. Another study, conducted by the United States General Accounting Office (1981), revealed that there is yet a substantial number of children in regular classrooms (the underserved) who need special education but who are not referred to special education.

An explanation for the decline in the incidence of mildly handicapped language minority children may be the fact that schools are becoming reluctant to classify minority children as handicapped for fear they will not be able to defend the assessment procedures they use (Bergin, 1980; Ortiz and Yates, 1981). Another reason that has been cited is the lack of bilingual special education teachers (Bergin, 1980).

Given the legal mandates for bilingual programs and the lack of bilingual special education services available, the bilingual classroom has often been regarded as the "best" placement available. Therefore, regular bilingual classrooms have become an alternative to special education

placement (Ortiz and Yates, 1981). Presently, handicapped language minority students are offered two equally inappropriate choices: placement in an overcrowded bilingual classroom, or placement in a monolingual special education program.

THE PROPOSAL

Bilingual education has been proven to be conducive to greater cognitive flexibility, enhanced metalinguistic knowledge an more developed divergent thinking skills for the normal population, therefore those same benefits should reveal comparable gains for below normal intelligence students. The proposal included here advocates the use of bilingual special education to serve handicapped language minority students.

THE FALLACIES

Opinions of bilingualism as a negative factor in a child's development flourished in the early years of the 20th century. Not long ago, and sometimes even still, bilingualism was thought of as "burdening the memory processes, thus weakening the mind". Many of these opinions were based on research conducted in a variety of contexts which suggested that bilingualism hindered a child's academic development. The majority of the research produced inconsistent and inconclusive results. Most of the studies carried out involved minority group bilinguals and investigators tended to interpret the research conclusions as though bilingualism directly caused negative academic achievement.

Summarizing the findings of the early "negative" studies, Jensen (1962) reports:

> Many observers and investigators conclude that childhood bilingualism, forced or voluntary results in many disadvantages. Numerous handicaps may accrue to the individual in his speech development, overall language development, intellectual and educational progress and emotional stability. In addition, society may suffer many disadvantages.

Jensen reviewed more than 200 studies dating form 1910 to the early 1960s and synopsized the findings according to specific intellectual, educational and personal disadvantages of childhood bilingualism as follows:

Intellectual Development

> It is said that the bilingual child will tend to learn only by imitation and rote, that he will frequently suffer mental fatigue, and that his originality of thought will be impaired. He will be handicapped on intelligence tests, especially those demanding language facility.

Educational Progress

> His interest and aptitude in language learning will be adversely affected. He may become handicapped in reading and studying in general . . .His interest, initiative and responsiveness in class may decline, and he may develop an inadequate adjustment to school and education in general, which in turn may result in prematurely dropping out of school.

Personal Adjustment

> Losing his self-confidence and sense of security, he may develop extreme introversion and shyness or he may become very aggressive and antisocial. Much of the emotional stress and tension will center in the family. After being exposed to a second language in school, the child may develop a sense of shame and guilt regarding the language of his family and may direct this into feelings of arrogance, contempt, hatred, rejection and avoidance toward his parents.

These opinions belong to the pre-Peal and Lambert era of research in bilingual education when severe methodological shortcomings were commonplace, such as failing to control for socioeconomic status, urban-rural differences and the language of testing.

THE FACTS

Pasamanick (1951) made an important contribution to scholarly knowledge on the relationship of bilingual ability to intelligence when he pointed to the unreliability of earlier findings which failed to take into consideration all of the variables likely to affect a child's mental development. Pasamanick noted that these researchers had neglected to consider certain variables such as inadequate diet, lack of motivation in school, native language of the participants and school setting when they interpreted their findings and therefore concluded that the questionability of earlier studies indicated the need for a different kind of investigation which would include the factor of ethnic group differences.

The findings of Peal and Lambert in 1962, which are considered methodologically sound, constitute a reversal of those obtained in earlier studies. They concluded:

> The picture that emerges of the French/English bilingual in Montreal is that of a youngster whose wider experiences in two cultures have given him advantages which a monolingual does not enjoy. Intellectually, his experience with two language systems seems to have left him with a mental flexibility, superiority in concept formation, and a more diversified set of mental abilities, in the sense that the patterns of abilities developed by bilinguals were more heterogeneous. . . In contrast, the monolingual appears to have a more unitary structure of intelligence which he must use for all types of intellectual tasks.

This research, as well as many studies not mentioned (See Appendix C) demonstrate the success of bilingual education. Therefore, it can be

established that bilingual education is an effective educational methodology. Thus, bilingual special education can also be an effective method of providing an appropriate education for handicapped language minority students. Unfortunately, this has not been the case.

THE FICTIONS

For students who are classified as mentally retarded or learning disabled, there is a critical shortage of bilingual education classes. In addition, there is a total absence of empirical support for the concerns of many educators that bilingual instruction is inappropriate for this population. This is particularly evident in the decision of special educators who often assume that children with learning problems - whether minority or majority - would be better off in monolingual programs.

Eisenson sums up the attitude in a speech pathology book written in 1956 (quoted in Omark and Erickson):

> Bilingual influences except possibly for the superior child, necessitate constant adjustments which make learning of one language a difficult task. The child must exert special effort to maintain himself in a given linguistic groove. If the effort becomes excessive, emotionality may result which is likely to interfere with further language learning. Whenever possible, therefore, it is advised that the young child be exposed only to the influence of the language which will become his educational tool.

Many handicapped language minority children are educated in monolingual English programs on the recommendation of special education personnel because it is felt that these childrens' learning problems will be

further complicated if they are required to cope with two languages of instruction. However, deficits in learning must be viewed separately from bilingualism and education programs must be designed accordingly.

BILINGUAL SPECIAL EDUCATION

Bilingual special education considers that a child's language and culture are the foundations upon which an appropriate education can be built. In this situation, the basic educational paradigm can be built. In this situation, the basic educational paradigm is to move the handicapped child from the known to the unknown through preferred cultural and linguistic communicative media (Baca, 1980).

Bruck (1980) has emphasized that the acquisition of a second language can benefit the self-concept of children with learning problems. Because they are successfully acquiring a skill that siblings or parents may not have, they tend to feel better about themselves about school than equivalent children in a regular program.

An example from the Significant Instructional Features in Bilingual Education study (Tickunoff, 1983; Gurthrie, 1981) illustrates this potential. The performance of Calvin, a grade 5 black student who had been classified as learning disabled, is described. The student was in a Chinese-English bilingual classroom where non-native speakers of Chinese received about an hour a day of Chinese-as-a-second language (CSL) instruction. English was used as the medium of

instruction for the remainder of the day. According to the teacher:

> Calvin had a lot of difficulty with all his classes except Chinese. She felt the Chinese class had done wonders for his self-image. From the beginning he had done as well as any well as any of the other CSL students. The teacher thought that because they all started off at the same level, they all started off knowing nothing, he was able to keep up. In all his other subjects he was so far behind, catching up seemed impossible. Now he had gained some self-confidence, in addition, his performance in other areas had begun to improve as well (Guthrie, 1981).

Sanua (1976) reported that in a study conducted with intellectually and physically handicapped children in Brooklyn, New York, 78 percent showed progress in reading and 74 percent showed an improved self-concept when instruction was conducted bilingually. In another study, Baca (1974) found an improvement in attitudes as well as achievement among 15 mildly retarded students when informal and structured bilingual instruction was used in the classroom.

Malherbe (1969) reported, "There is a theory that while the clever child may survive the use of the second language as a medium of instruction the duller child suffers badly."

In order to test the hypothesis that bilingual instruction might be appropriate for bright students but be too "challenging" for those who are less bright, Malherbe compared the performance of children at different IQ levels in bilingual, receiving instruction in English and Afrikanns, and monolingual, English schools in South Africa. Malherbe found:

> Not only the bright children but also the children with below normal intelligence do better school work all round in the bilingual school than in the unilingual school. What is most significant is that the greatest gain for the bilingual school

> was registered in the second language by the lower intelligence groups. Not only do they more than hold their own in the first language (in comparison to equivalent children in monolingual schools), but in their second language their gain was nearly twice as big as that registered by the higher intelligence groups.

Malherbe's study suggests that bilingual programs are appropriate for students with below average intelligence.

CURRENT PRACTICE

In 1979 the Bureau of Education for the Handicapped funded 22 personnel preparation programs to train bilingual professionals in special education. Since then, the number of these programs has increased annually. The commitment of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) to bilingual special education as early as 1980 has led to the funding of numerous LEA-based demonstration projects and IHE-based teacher preparation and fellowship programs. However, the potential importance of the school-based programs (which include both gifted and handicapped) has been severely diminished due to budget cuts and the failure of several LEAs to renew their grants.

CONCLUSION

In view of the continued overrepresentation of language minority students in special education programs without the benefit of appropriate linguistic support as evidenced by the <u>Y.S. v. School District of Philadelphia</u> case, future research could provide valuable insights into

the kind of policies and procedures which would lead to greater ethnic parity in special education.

The fields of bilingual and special education must work cooperatively to provide appropriate bilingual special education.

APPENDIX A

Percent of Hispanic and white public elementary and secondary students in special education programs, by type of program and by State.

State	Percent of enrollment											
	Total enrollment		Total[1] handicapped		Educable mentally retarded		Trainable mentally retarded		Learning disabled		Gifted and talented	
	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White
United States	6	76	6	71	5	56	7	64	7	77	3	86
Alabama	0	66	0	69	0	38	0	42	0	79	0	80
Alaska	1	74	1	59	1	42	0	66	1	57	1	79
Arizona	21	69	20	63	28	48	25	64	18	64	8	86
Arkansas	0	77	0	62	0	44	0	63	0	83	3	56
California	20	65	17	69	20	58	21	61	14	76	5	85
Colorado	14	80	18	74	25	62	13	80	17	76	23	74
Connecticut	5	85	6	78	13	57	8	78	5	82	1	94
Delaware	3	76	1	69	22	41	1	65	1	73	1	75
District of Columbia	1	4	1	3	0	1	1	2	1	4	0	0
Florida	6	70	5	57	3	30	7	55	7	66	2	93
Georgia	0	65	0	54	0	31	0	51	0	73	0	90
Hawaii	6	20	8	37	9	32	8	26	8	41	0	0
Idaho	3	94	4	93	4	93	1	96	4	93	0	97
Illinois	5	75	5	73	5	50	5	60	4	80	2	80
Indiana	1	89	2	81	1	72	2	80	1	87	0	87
Iowa	1	97	1	96	1	93	1	96	1	97	1	96
Kansas	2	89	3	87	4	79	4	86	2	89	3	90
Kentucky	0	90	0	83	0	77	0	83	0	81	0	91
Louisiana	1	58	1	48	0	26	0	36	1	70	0	85
Maine	0	99	0	99	0	99	0	100	0	99	0	100
Maryland	1	70	0	57	0	39	0	62	0	51	0	44
Massachusetts	2	92	1	96	4	90	1	94	0	97	0	98
Michigan	2	82	1	86	2	72	1	87	1	92	1	89
Minnesota	1	96	1	94	1	93	0	97	1	96	0	97
Mississippi	0	51	0	36	0	22	0	35	0	74	0	84
Missouri	0	87	0	80	0	67	0	85	0	85	1	84
Montana	1	91	2	92	2	83	2	94	1	94	0	94
Nebraska	2	92	2	90	3	84	4	88	2	91	0	99
Nevada	4	83	5	74	5	60	3	84	5	81	1	93
New Hampshire	0	99	0	99	0	99	0	100	0	99	0	99
New Jersey	6	75	8	68	12	46	9	63	4	81	2	79
New Mexico	42	47	44	43	59	23	51	33	41	46	18	80
New York	11	70	12	60	12	54	19	50	6	77	3	91
North Carolina	0	69	0	52	0	32	0	50	0	70	0	87
North Dakota	1	94	1	95	2	94	3	96	1	95	3	96
Ohio	1	86	2	82	1	77	0	50	1	88	1	60
Oklahoma	1	78	1	75	1	65	1	76	1	79	0	90
Oregon	2	94	2	92	2	91	3	93	3	93	1	97
Pennsylvania	1	86	1	82	2	73	3	67	1	90	0	92
Rhode Island	1	94	1	91	1	88	3	92	1	93	1	98
South Carolina	0	58	0	42	0	26	0	39	0	59	0	88
South Dakota	1	92	0	89	0	84	0	81	0	94	5	82
Tennessee	0	78	0	74	0	57	0	64	0	78	0	88
Texas	25	59	25	55	29	33	30	43	25	56	13	61
Utah	4	93	6	90	9	87	5	91	7	88	6	90
Vermont	0	99	0	99	0	98	0	99	0	99	0	100
Virginia	0	74	0	66	0	46	0	60	0	78	0	84
Washington	3	90	2	86	3	81	2	90	2	88	1	92
West Virginia	0	96	0	95	0	93	0	93	0	95	0	98
Wisconsin	1	92	1	89	2	84	1	84	1	93	1	89
Wyoming	5	91	8	87	16	79	7	91	9	87	1	98

[1] Includes Number of students enrolled in programs for educable mentally retarded, trainable mentally retarded, seriously emotionally disturbed, learning disabled, speech impaired, orthopedically handicapped, blind or visually handicapped, deaf or hard of hearing, other health impaired, and multihandicapped.

SOURCE: Department of Health, Education and Welfare, Office for Civil Rights. State and National *Summaries of data collected by the 1976 Elementary-Secondary Schools Civil Rights Survey*, 1978.

APPENDIX B

LIST OF CASES

Arreola v. State Borad of Education of California
Civil Action No. F-30,35 R.F.P. (N.D. Cal., 1968).

Covarrubias v. San Diego School District
Civil Action No. 6-21; 36 R.F.P. (N.D. Cal., 1970).

Diana v. State Board of Education of California
Civil Action No. c70, 37 R.F.P. (N.D. Cal., 1973).

Dyrcia v. New York City Board of Education
79 Civ. 270 (1979).

Guadalupe Organization v. Tempe
587 F, 2d 1022 (1972)

Jose P. v. Ambach
79 Civ. 270, New York (1979).

Larry P. v. Riles
343 F. Supp. 1306 (1972).

Lora v. The Board of Education, New York
456 F. Supp. 1211 (1978).

United Cerebral Palsy v. New York City Board of Education
79 Civ. 560 (1979).

United States v. Texas
342 F. Supp 24 (1971).

Y.S. v. School District of Philadelphia
Civil Action No. 85-6924.

APPENDIX C

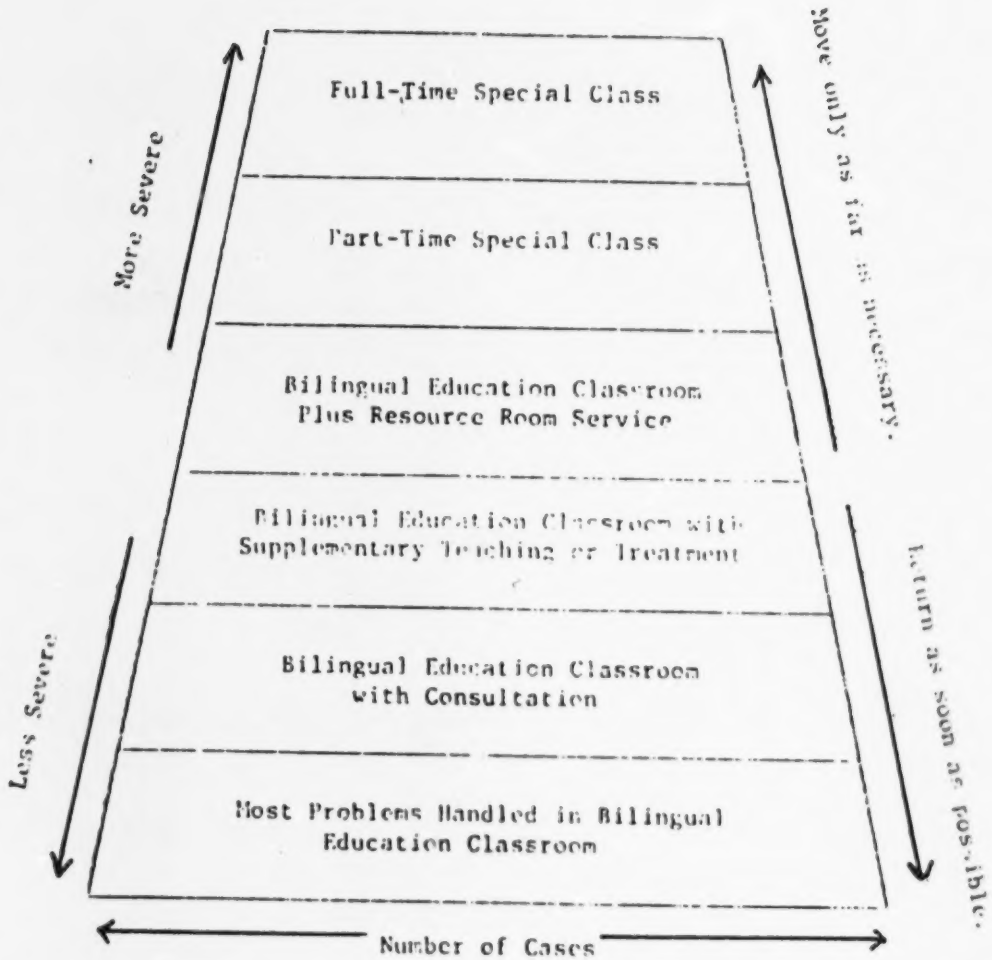
RESEARCH CONCLUSIONS ON THE POSITIVE EFFECT OF BILINGUALISM

YEAR	I	II	III
62-65	Osterberg	Peal & Lamberg	
66-69	Modiano Burns	Lieke & Nelson *Malherbe Richardson	
70-73	Balkan Scott Gudchinsky		Feldman & Shen Ianco-Worrall
74-77	Cummins & Gulutsun Landry	*Baca Bowd *Sanua	Bain Ben Zeev (2) Genese, Tucker & Lambert
78-81	Kessler & Quinn Duncan & De Avila	Leyba Troike	Cummins Cummins & Mulkahy Bain & Yu
82-85	Mohanty Hakuta & Diaz	Swian & Lapkin Hakuta	Merino Rueda Barclay

I - Cognitive Flexibility and Creative Thinking
II - Nonverbal Intelligence
III - Metalinguistic Knowledge

* Mentally Retarded Population

APPENDIX D



Adapted from Reynolds (1962)
Special Education Placement Alternatives

BEST COPY AVAILABLE

BIBLIOGRAPHY

Ambert, Alba, et al. Special Education For Exceptional Bilingual Students: A Handbook For Educators. Milwaukee, WI: Midwest National Origin Desegregation Assistance Center, 1982.

Ambert, Alba N., Jean Greenberg and Sandra Pereira. Manual For Identification of Limited-English Proficiency Students With Special Needs. A Special Project Of The Massachusetts Department of Education, Division of Special Education. Bureau of Program Development and Evaluation, 1980.

Ambert, Alba N. and Sarah E. Melendez. Bilingual Education: A Sourcebook. New York, NY: Garland Publishing, Inc., 1985.

American Pssychiatric Association. A Psychiatric Glossary. Boston, MA: Little, Brown and Company, 1980.

American Psychiatric Association. Quick Reference To The Diagnostic Criteria From DSM-III. Washington, DC: American Psychiatric Association, 1980.

Archueta, Katherine and Cervantes, Hermes T. "The Misplaced Child: Does Linguistically Different Mean Learning Disabled?" Proceedings of the Eighth Annual International Bilingual Bicultural Education Conference. National Clearinghouse For Bilingual Education.

Arsenian, Seth. Bilingualism And Mental Development. New York, NY: AMS Press, 1937.

Axelrod, Herman C. Bilingual Background And Its Relation To Certain Aspects Of Character And Personality Of Elementary School Children. New York, NY: Arno Press, 1953.

Baca, Leonard. "Issues In The Education Of Culturally Diverse Exceptional Children". Exceptional CHildren, 1980, 46, 583.

Baca, Leonard. "Policy Options For Insuring The Delivery Of An Appropriate Education To Handicapped Children Who Are Of Limited English Proficiency". A Publication Of The Policy Options Project. The Council For Exceptional Children, 1980.

Baca, Leonard M. and Hermes T. Cervantes. The Bilingual Special Education Interface. St. Louis, MO: Times Mirror/Mosby, 1984.

Bailey Donald B. Jr. and Gloria L. Harbin. "Nondiscriminatory Evaluation". Exceptional Children, 1980, 46, 590-597.

Barclay, Lisa K. "Using Spanish As The Language Of Instruction With Mexican-American Head Start Children: A Re-evaluation Using Meta-Analysis." Perceptual And Motor Skills, 1983, 56, 359-366.

Bergin, Victoria. Special Education Needs In Bilingual Programs. Rosslyn, VA: National Clearinghouse For Bilingual Education.

Bernal, Ernest M. "Trends In Bilingual Special Education." Learing Disability Quarterly, 1983, 6, 424431.

Blank, Marion and Frances solomon. "A Tutorial Language Program To Develop Abstract Thinking In Socially Disadvantaged Preschool Children." Child Development, 1968, 39, 379389.

Chan, Kenyon S. and Robert Rueda. "Poverty and Culture in Education: Separate But Equal." Exceptional Children, 1979, 45, 419428.

Chinn, Phillip P. "The Exceptional Minority Child: Issues And Some Answers," 1979, 45, 532538.

Clarizio, Harvey F. "Intellectual Assessment of Hispanic Children," Psychology In The Schools, 1982, 19, 6171.

Cordasco, Francesco, ed. The BilingualBicultural Child And The Question of Intelligence. New York, NY: Arno Press, 1978.

Condon, Elaine C.; Janice Yates Peters; and Carmen SueiroRoss. Special Education And The Hispanic Child: Cultural Perspectives. Philadelphia, PA: Teacher Corps MidAtlantic Network, 1979.

Cummins, James. Bilingualism And Special Education: Issues In Assessment And Pedagogy. San Diego, CA: CollegeHill Press, 1984.

Epps, Susan, Matthew McGue; and James E. Ysseldyke. "Interjudge Agreement In Classifying Students As Learning Disabled," Psychology In The Schools, 1982, 19, 209220.

Feldman, Carol and Michael Shen. "Some LanguageRelated Cognitive Advantages Of Bilingual FiveYearOlds," The Journal Of Genetic Psychology, 1971, 118, 135244.

Frame, Roger E. et al. "Interclinician Agreement and Bias In School Psychologists' Diagnostic And Treatment Recommendations For A Learning Disabled Child," Psychology In The Schools, 1982, 319327.

Gandara, Patricia, Barbara K. Keogh, and Barbara Maxell-Yoshioka, "Predicting Academic Performance of Anglo and Mexican-American Kindergarten Children." Psychology In The Schools, 1980, 17, 174-177.

Hilliard, Asa G. III, "Cultural Diversity And Special Education." Exceptional Children, 1980, 46, 583.

Latino Institute Research Division. A Study Of The special Needs Of Hispanic Persons In Illinois Who Are Developmentally Disabled. Reston, VA: Latino Institute Research Division, 1983.

Latino Institute Research Division. State Of The Art In Bilingual Special Education. Reston, VA: Latino Institute Research Division, 1982.

McCormick, Linda and Richard L. Schiefelbusch. Early Language Intervention. Columbus, OH: Charles E. Merrill Publishing Company, 1983.

Maheady, Larry, et al, "Minority Overrepresentation A Case For Alternative Practices Prior To Referral." Learning Disability Quarterly, 1983, 6, 448-557.

Malherbe, E.G., "Commentary to R.M. Jones, How and When Do Persons Become Bilingual?" In L.G. Kelley, Ed. Description And Measurement Of Bilingualism. Toronto, Canada: University of Toronto Press, 1969.

Martinez, Hermini, ed. Special Education And The Hispanic Child Proceedings From The Second Annual Colloquium On Hispanic Issues. New York, NY: ERIC Clearinghouse On Urban Education, 1981.

Mercer, Jane R. "Institutionalized Anglocentrism: Labeling Mental Retardates In The Public Schools." Race, Change And Urban Society, 1971, 5, 311-337.

Mercer, Jane R. System Of Multicultural Pluralistic Assessment: Technical Manual. New York, NY: The Psychological Corporation, 1979.

National Clearinghouse For Bilingual Education. Information Packet On Bilingual Special Education. Rosslyn, VA: National Clearinghouse For Bilingual Education, 1984.

Ochoa, Alberto M., Richard Pacheco, and Donald R. Omark. "Addressing The Learning Disability Needs Of Limited-English Proficient Students: Beyond Language And Race Issues," Learning Disability Quarterly, 1983, 6, 416-423.

Ogbu, John U. Minority Education And Caste: The American System In Cross-Cultural Perspective. New York, NY: Academic Press, 1978.

Ogdon, Donald P. Psychodiagnostics and Personality Assessment: A Handbook. Los Angeles, CA: Western Psychological Services, 1967.

Omark, Donald R. and Joan Good Erickson. The Bilingual Exceptional Child. San Diego, CA: College-Hill Press, 1983.

Opelsch, Marie and Judy Genshaft. "Comparison Of Bilingual Children On The WISC-R And The Escala De Inteligenica Para Ninos," Psychology In The Schools, 1981, 18, 159-163.

Ortiz, Alba A. and James R. Yates. Exceptional Hispanics: Implications For Special Education Services And Manpower Planning. A Report of the Texas Education Agency, Council For Personnel Preparation Of The Handicapped, Task Force On Exceptional Hispanics, The University Of Texas At Austin, April 1981.

Pfeiffer, Steven I. "Special Education Placement Decisions Made By Teams And Individuals: A Cross-Cultural Perspective," Psychology In The Schools, 1982, 19, 335-340.

Rondal, Jean A. "Bilingualism And Mental Handicap: Some Programmatic Views," Neurolinguistics, 1984, 13, 135-159.

Ross, Alan O. Psychological Aspects Of Learning Disabilities And Reading Disorders. New York, NY: McGraw Hill, Inc., 1976.

Rueda, Robert. "Metalinguistic Awareness in Monolingual And Bilingual Mildly Retarded Children," NABE JournalPS, 1983, 8, 55-68.

Simoes, Antonio Jr., "Issues Of Special Education And Language Assessment For Limited-English Proficient Students," Issues of Language Assessment: Foundations and Research, Proceedings Of The First Annual Language Assessment Institute, Evanston, IL, 1981.

Terrell, Sandra L. And Jerome Francis, "Effects Of Race Of Examiner And Type Of Reinforcement On The Intelligence Test Performance Of Lower-class Black Children." Psychology In The Schools, 1983, 6, 416-423.

Tikunoff, William J., et al. Significant Bilingual Instructional Features Study. San Francisco, CA: Far West Laboratory For Educational Research And Development, 1982.

Trites, Ronald L. "Early Immersion In French At School For Anglophone Children: Learning Disabilities And Prediction Of Success." Neurolinguistics, 1984, 13, 95-133.